

REMARKS

- Claims 1-14 are pending in the present application and have not yet been examined

A. Specification Amendment

Priority claim corrected

During a review of the file, we noticed an error in the claims of priority on pages 1-2 of the present application.

We intended to claim priority to U.S. Patent Application No. 09/298,226, filed on April 22, 1999, which was pending at the time of filing of the present application. We mistakenly identified only the parent and grandparent of the 09/298,226 application: U.S. Patent Application Nos. 08/677,544 and 08/561,668, respectively. The contents of the 08/677,544 and 08/561,668 applications were incorporated properly by reference in the present application.

It was inadvertent error to claim priority only to the parent and grandparent applications of the 09/298,226 application, and the resulting delay in claiming priority to then-pending Application No. 09/298,226 was clearly unintentional.

The priority claim has been perfected by this amendment, as discussed below.

The Specification has been amended to include a claim to the benefit of priority of U.S. Patent Application No. 09/298,226

In accordance with 37 C.F.R. § 1.78(a)(2)(i), the Specification has been corrected to indicate a claim to the benefit of priority of

U.S. Patent Application 09/298,226 (filed April 22, 1999, now abandoned);
which is a continuation of U.S. Patent Application No. 08/677,544;
which is a continuation-in-part of U.S. Patent Application No. 08/561,668.

As discussed above, U.S. Patent Application 09/298,226 claims priority to the 08/677,544 and 08/561,668 applications cited in the previous priority claim.

The present application (filed May 9, 2001) and the 09/298,226 application (filed April 22, 1999) were co-pending at the time the present application was filed.

In accordance with 37 C.F.R. § 1.78(a)(1), the 09/298,226 application names as an inventor at least one inventor (e.g., Jay Walker) named in the present (later-filed nonprovisional) application. The 09/298,226 application also discloses the named inventor's invention claimed in at least one claim of the present (later-filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112.

In accordance with 37 C.F.R. § 1.78(a)(3), Applicants will be filing a petition to accept a claim unintentionally delayed under 35 U.S.C. § 120 for the benefit of the 09/298,226 application, including the appropriate surcharge and a statement that the entire delay was unintentional.

08/677,544 and 08/561,668 were incorporated by reference when this application was filed

A prior Amendment mailed May 11, 2003 was deemed not acceptable because it incorporated by reference 09/298,226.

This substitute Amendment does not incorporate 09/298,226 by reference. Because 08/677,544 and 08/561,668 were already incorporated by reference when the present application was filed, this substitute Amendment includes statements incorporating those applications by reference. No new matter could be added by this change, as those applications were already incorporated.

Priority claims removed

We have amended the Specification to eliminate the claims to priority of the following:

- (i) U.S. Patent Application No. 08/624,998; and
- (ii) U.S. Patent Application No. 08/635,576.

Thus, upon entry of the present Amendment, the present application will claim priority only to U.S. Patent Application No. 09/298,226 (and its parent applications). Only 08/677,544 and 08/561,668 will be incorporated by reference.

B. Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early consideration is respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

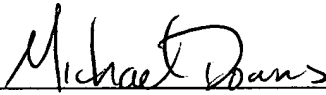
A duplicate copy of this authorization is enclosed for such purposes.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

August 5, 2004

Date



Michael Downs
Attorney for Applicants
Registration No. 50,252
Walker Digital, LLC
mdowns@walkerdigital.com
(203) 461-7292 /voice
(203) 461-7300 /fax